

Legal Aspects of Terrorism

*Telecourse DVD (New)
March 2006*

POST Course Control Number: **xxxx-30001-xx043***
CPT Hours: **2.0**
DVD Shipping Date: **03/24/06**
Reference Guide: **None**

Knowing and staying current with the law allows officers to aggressively enforce it. The legal aspects of terrorism, however, are rapidly changing. Whether they realize it or not, every peace officer is collecting and analyzing intelligence every day. By legally investigating suspicious activity and crimes that support terrorism, officers are building a knowledge base for their community and ultimately thwarting or disrupting terrorist activity. Terrorism prevention requires multi-agency and multi-jurisdictional responses; this program is intended for all levels of law enforcement and differing jurisdictions within California.

The DVD program offers two viewing options:

1. Play Telecourse in its entirety (113 min.)
2. Select among eight Telecourse segments:
 - Introduction (10 min.)
 - Consensual Encounters, Detentions, & Arrests: Part 1 (13 min.)
 - Consensual Encounters, Detentions, & Arrests: Part 2 (21 min.)
 - Crimes That Support Terrorism (18 min.)
 - Intelligence (15 min.)
 - Demystifying the Patriot Act (10 min.)
 - Executive Issues (12 min.)
 - Resources & Wrap-Up (14 min.)

* Specific to DVD only. The first four digits of the Course Control Number (xxxx) is the preassigned Telecourse Presenter Number specific to your agency; the tenth and eleventh digits (xx) are the fiscal year in which your agency presents this program. See website for detailed instructions.



Monthly Edition DVD
March 2006

Case Law Today programs are released monthly on a single DVD containing a single month (6 total segments). Case Law Today programs are not accompanied by reference guides nor eligible for Continuing Professional Training (CPT) credit.

No Miranda Necessary

with William Bedsworth, Justice of the Court of Appeal, State of California
The Miranda advisement need not be given if the suspect is neither under arrest nor under such significant restraint as to amount to the functional equivalent of an arrest. In this case, a suspect's statements made at the police station were held admissible without an advisement because the suspect was held *not* to be in custody. Justice Bedsworth explains how that conclusion was reached and how this case may provide a useful interrogation strategy. *Case cited: United States v. Norris* (2005 DJDAR 13244). (5:36)

The Latest on "Estes" Robberies

with Jeff Rubin, Alameda County District Attorney's Office
A robbery occurs when a suspect, with the intent to steal, uses force or fear to take property from the immediate presence of the owner of the property. This segment discusses cases upholding robbery convictions where the *initial* taking occurred outside the victim's immediate presence and without the use of force or fear, but force or fear was later used to prevent recovery of the property. *Cases cited: People v. Gomez* (2005) 134 Cal.App.4th 1241; *People v. Estes* (1983) 147 Cal.App.3d 23. (8:29)

Vehicle Impounds: Community Caretaking Doctrine

with Daniel McNeerney, Superior Court Judge, State of California
Under the "Community Caretaking" doctrine, police may impound a vehicle and inventory its contents where the vehicle is impeding traffic or poses a threat to public safety. *Cases cited: Cady v. Dombrowski* (1973) 413 U.S. 433; *Miranda v. City of Cornelius* (2006) DAR 13393. (6:01)

Searches Incident to Arrest: Contemporaneous Requirement

with Jeff Rubin, Alameda County District Attorney's Office
Pursuant to a lawful custodial arrest of the occupant of a vehicle, an officer may, "as a contemporaneous incident of that arrest," search the passenger compartment of the vehicle. Discusses cases involving various periods of delay and different intervening events to explain when a search incident to arrest will be deemed contemporaneous. *Cases cited: United States v. Weaver* (9th Cir. 2006) 433 F.3d 1104; *United States v. McLaughlin* (9th Cir. 1999) 170 F.3d 889; *United States v. Ramos-Oseguera* (9th Cir. 1997) 120 F.3d 1028; *United States v. Vasey* (9th Cir. 1987) 834 F.2d 782. (7:05)

Bad Checks Or Not?

with William Bedsworth, Justice of the Court of Appeal, State of California
California Penal Code §476a makes it illegal to write a check without "sufficient funds in or credit with" the bank upon which a check is drawn. Does a check guarantee card qualify as "credit with" the bank that issues it? And what if the check-writer *exceeds* the amount of the guarantee? Doesn't that expose him/her to a 476a liability? Not according to the 9th Circuit Court of Appeal. This is a critical decision for everyone who ever sees a 476a. *Case cited: Goldyn v. Hayes* (2006) DJDAR 1399 (2/2/06). (7:36)

Grand Theft: Taking From the Person

with Jeff Rubin, Alameda County District Attorney's Office
What would otherwise be a petty theft is converted into a grand theft if the suspect takes the property from the "person" of the victim. This video discusses various cases explaining what it means to take property from the "person" of another. *Cases/Statute cited: In re Jesus O.* (2006) 135 Cal.App.4th 237; *In re Eduardo D.* (2001) 81 Cal.App.4th 545; *In re George B.* (1991) 228 U.S. 1088; *People v. Huggins* (1997) 51 Cal.App.4th 1654; *People v. Williams* (1992) 9 Cal.App.4th 1465; *People v. McGrath* (1976) 62 Cal.App.3d 82; *People v. Smith* (1968) 278 Cal.App.2d 117; *People v. McElroy* (1897) 116 Cal. 583; Pen. Code § 487. (10:42)



PROGRAM GUIDE

More Information and Future Programs

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Future Program Releases

Surviving Deadly Assaults Update (Apr. 2006)

Case Law Today - Monthly DVD Release (Apr. 2006)

Victims of Violence (May 2006)

Case Law Today - Monthly DVD Release (May 2006)

Law Enforcement Response to Homeless - Revised (June 2006)

Case Law Today - Monthly DVD Release (June 2006)